

REMARKS

Applicants kindly request the withdrawal of Claims 15-21, 28, 29, and 36-39 from consideration.

Applicants also request the amendment of Claims 11-14, 20-21 (which are being withdrawn), 22, 34, 35, 38-39 (which are being withdrawn), 40-42, 44, 47, and 48. The amendments to Claims 11-14, 20-21, 34-35, 38-39 adds the ATCC accession number for *Clostridium perfringens* strain GL47 which was omitted from the original filing but which is indicated by the receipt from ATCC. Claims 22, 40-42, 44, 47 and 48 are being amended to eliminate the dependency on withdrawn claims. Claims 42, 44, 47, and 48 are also being amended to make the claims internally consistent with the prior claims. No new matter is being added with these amendments.

Applicants request the amendment of pages 6 and 8 of the specification to add the ATCC accession number for *Clostridium perfringens* strain GL47 which was omitted from the original filing but which is indicated by the receipt from ATCC. No new matter is being added with these amendments.

On June 27, 2003 the Examiner issued a Restriction Requirement for this patent application. The Examiner divided the claims into the following three groups:

- I. Claims 1, 3-5, 22-25, and 40-48, drawn to an inactivated bovine rotavirus and coronavirus.
- II. Claims 1, 2, 5-14, 22-27, 30-35, and 40-48, drawn to an inactivated bovine rotavirus and coronavirus vaccine with at least one vaccinal bacteria.
- III. Claims 15-24, 28, 29, and 36-48, drawn to an inactivated coronavirus and at least one vaccinal bacteria.

The Examiner believes that the separation of claims into Group I and Group II is appropriate because the Groups cover different microorganisms, have different antigens, different classification, and divergent subject matter. Group I covers inactivated bovine rotavirus and coronavirus vaccine. Group II covers inactivated bovine rotavirus and coronavirus vaccine with at least one vaccinal bacteria.

Applicants request that the Examiner re-consider the separation of the claims in Group I and Group II. Applicants point out that the subject matter of Group I also covers the subject matter of Group II. Presumably any prior art search on the subject matter of Group I will also reveal prior art that also is applicable to and covers Group II. It should not be any additional

work on the part of the Examiner to examine both Group I and Group II together or to combine Group I and Group II.

Notwithstanding this request for reconsideration, Applicants provisionally elect Group II, Claims 1, 2, 5-14, 22-27, 30-35, and 40-48. Applicants will finalize this election upon the Examiner's reconsideration of the Restriction Requirement. Upon reconsideration by the Examiner, Applicants are willing to amend the claims to eliminate any dependency on the non-elected claims, if such amendments become necessary, and to withdraw any non-elected claims. The Applicants do not waive any right to pursue the non-elected claims in another applications by making this election.

Based on the above request for reconsideration, Applicants have withdrawn Claims 15-21, 28, 29, and 36-39 from consideration.

On June 5, 2003, the Applicants filed a Revocation and Appointment of Power of Attorney. On June 16, 2003, the Office issued a Notice of Acceptance of Power of Attorney. Applicants request that the Examiner kindly direct all future correspondence to Customer Number 001095 which is

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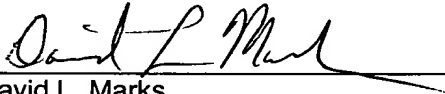
per the Revocation and Appointment of Power of Attorney. Should the Examiner be unable to locate the Revocation and Appointment of Power of Attorney and the Office's Notice of Acceptance of Power of Attorney, the Applicants will gladly provide copies to the Examiner.

Applicants believe that this Amendment and Response to Restriction Requirement does not require any fee other than for a Request for One-Month Extension of Time which is contained on a separate paper filed herewith. The Commissioner is authorized to deduct the required fee for the Request for One-Month Extension of Time, and any other fee necessary to keep this application pending, from Deposit Account 19-0134.

Should the Examiner have any questions regarding this Amendment and Response to Restriction Requirement, the Examiner should contact the undersigned at the number indicated.

Respectfully submitted,

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